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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

A.J.P. and A.M.P., minors, by and  
through their guardian *ad litem*  
Cynthia Nunez, individually and as  
successor in interest to Albert Perez,  
deceased; and PATRICIA RUIZ,  
individually,

Plaintiffs,

vs.

COUNTY OF SAN BERNARDINO;  
CORY MCCARTHY; ANDREW  
POLLOCK; DAVID MOORE; and  
CHRISTINA OLIVAS,

Defendants.

Case No. 5:22-cv-01291-SSS-SHK  
*Hon. Sunshine S. Sykes*

**[PROPOSED] ORDER APPROVING  
EX PARTE APPLICATION FOR  
COMPROMISES OF CLAIMS OF  
COMPROMISE OF THE CLAIMS OF  
MINOR PLAINTIFFS A.J.P., A.M.P.  
THROUGH THEIR GUARDIAN AD  
LITEM CYNTHIA NUNEZ**

**[PROPOSED] ORDER**

This Court, having considered Cynthia Nunez's Unopposed *Ex Parte* Application for Compromise of the Claims of A.J.P., a minor, and A.M.P., a minor, and GOOD CAUSE appearing therefore, hereby **GRANTS** the Application and makes the following orders:

1. The settlement of minor plaintiff A.J.P.'s action against Defendant County of San Bernardino in the net amount of \$1,031,346.07 is hereby approved. The settlement of minor plaintiff A.M.P.'s action against the Defendant County of San Bernardino in the net amount of \$1,031,346.07 is also hereby approved. Defendants, through counsel, shall prepare and deliver the drafts for the gross settlement proceeds in the amount of \$4,750,000 no later than 21 days from the date of this Order, payable as follows:

- a. Within 21 days of the signing of this Order, Defendant County of San Bernardino will purchase a structured annuity for the minor Plaintiff A.M.P. in the amount of \$1,031,346.07 from MetLife Tower Resources Group, Inc. ("hereinafter referred to as "Assignee"), which will provide periodic payments to be made by Metropolitan Life Insurance Company (hereinafter referred to as "Annuity Carrier") rated A+ Class XV by A.M. Best Company (*See* "Exhibit A" to the Declaration of Shannon J. Leap).
- b. Within 21 days of the signing of this Order, Defendant County of San Bernardino will purchase a structured annuity for the minor Plaintiff A.J.P. in the amount of \$1,031,346.07 from Assignee, which will provide periodic payments to be made by Annuity Carrier rated A+ Class XV by A.M. Best Company (*See* "Exhibit A" to the Declaration of Shannon J. Leap).
- e. Within 21 days of the signing of this Order, a draft for \$2,687,307.86 shall be made payable to the "Law Offices of Dale K. Galipo, Client

1 Trust Account.” These funds shall be used to satisfy the attorneys’ fees  
2 and costs owed by the Minor Plaintiffs to Plaintiffs’ counsel, as well as  
3 the gross settlement proceeds allocated to Patricia Ruiz.

4 2. Annuity Carrier(s) shall provide periodic payments in accordance with  
5 “Exhibit A” to the Declaration of Shannon J. Leap and as set forth in the table  
6 below.

7 3. All sums and periodic payments set forth in the section entitled  
8 Payments constitute damages on account of personal injuries or illness, arising from  
9 an occurrence, within the meaning of Section 104(a)(2) of the Internal Revenue  
10 Code of 1986, as amended.

11 4. Disbursement drafts will be made payable and will begin being issued  
12 directly to A.M.P. upon reaching the age of maturity according to the payment  
13 schedule. Disbursement drafts will also be made payable and will begin being  
14 issued directly to A.J.P. upon reaching the age of maturity according to the payment  
15 schedule.

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**Periodic Payments to Minor Plaintiff A.M.P.****Annual Payment for Four (4) Years—Guaranteed Tax Free**

\$40,000.00

Beginning 06/19/2027, through 06/19/2030

**Lump Sum Payment—Guaranteed Tax Free**

\$75,000.00

Guaranteed on 06/19/2031

**Lump Sum Payment—Guaranteed Tax Free**

\$100,000.00

Guaranteed on 06/19/2033

**Lump Sum Payment—Guaranteed Tax Free**

\$150,000.00

Guaranteed on 06/19/2035

**Lump Sum Payment—Guaranteed Tax Free**

\$320,000.00

Guaranteed on 06/19/2037

**Lump Sum Payment—Guaranteed Tax Free**

\$1,012,225.08

Guaranteed on 06/19/2039

**Periodic Payments to Minor Plaintiff A.J.P.****Annual Payment for Four (7) Years—Guaranteed Tax Free**

\$50,000.00

Beginning 05/03/2031, through 05/03/2037

**Lump Sum Payment—Guaranteed Tax Free**

\$300,000.00

Guaranteed on 05/03/2038

**Lump Sum Payment—Guaranteed Tax Free**

\$750,000.00

Guaranteed on 05/03/2043

**Lump Sum Payment—Guaranteed Tax Free**

\$979,537.12

Guaranteed on 05/03/2048

7. Defendant will make a “qualified assignment” within the meaning of Section 130(c), of the Internal Revenue code of 1986, as amended, to Assignee(s), of the Defendant’s liability to make the periodic payments as described above and in “Exhibit A” to the Declaration of Shannon J. Leap. Such assignment, if made, shall be accepted by Plaintiffs without right of rejection and shall completely release and discharge Defendant from such obligations hereunder as are assigned to Assignee(s). This includes that Defendant shall execute a Qualified Assignment document.

8. Defendant and/or Assignee(s) shall have the right to fund its liability to make periodic payments by purchasing a “qualified funding asset,” within the meaning of Section 130(d) of the Code, in the form of an annuity policy from the Annuity Carrier(s).

9. The Assignee(s) shall be the owner of the annuity policy or policies, and shall have all rights of ownership.

10. The Assignee(s) may have Annuity Carrier(s) mail payments directly to A.J.P. and A.M.P. when they respectively reach the age of majority, as set forth above. Cynthia Nunez (until A.J.P. and A.M.P. reach the age of majority) and then A.J.P. and A.M.P., shall be responsible for maintaining the currency of the proper mailing addresses and mortality information to Assignee(s).

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2024

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Honorable Sunshine S. Sykes  
United States District Court  
Central District of California